

REMARKS

Claims 1-11 have been canceled. New claims 12-23 have been added. Claims 12-23 are now pending.

In the Office Action dated March 31, 2004, the Examiner rejected claims 1, 2, and 9 under 35 U.S.C. 103(a) as being unpatentable over Takagi (Japanese Publication No. 60-242740) in view of Nishiyama et al. (U.S. Patent No. 6,333,804; rejected claims 3, 5, 7 and 8 under 35 U.S.C. 103(a) as being unpatentable over Takagi in view of Nishiyama et al. and Shiga (U.S. Patent No. 5,164,581); and rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Takagi in view of Nishiyama et al., Shiga, and Steiger (U.S. Patent No. 6,493,490). Applicants traverse these rejections, at least for the following reasons.

Applicants submit that the applied references do not disclose or suggest the combination of claim 12 wherein the lens is part of a mold part (e.g., comprised of resin) that encapsulates the first photosensitive region, the second photosensitive region, the signal amplifying section, and the current control means. Thus, where the instant optical receiver is arranged to be capable of receiving light through the resin lens that forms a portion of the mold portion encapsulating all of the aforementioned circuit elements, no such arrangement is found in the applied references of record. Accordingly, even if the references were to be combined in the manner suggested by the Examiner, the resulting combination would still not correspond to the combination recited in Applicants' independent claim 12.

For at least the foregoing reasons, Applicants submit that claim 12 and its dependent claims patentably distinguish over the references applied to the claims in the most recent Office Action.

Accordingly, reconsideration and withdrawal of the objections and rejections set forth in the Office Action dated March 31, 2004, is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants request reconsideration and reexamination of this application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



John G. Smith
Registration No. 33,818

Dated: July 30, 2004

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000